

for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the state, in time of war, at the head of a military force thereof, he shall continue commander in chief of all the military force of the state."

Tammany leaders and legal advisers said yesterday that the words "or his removal from office" in the section quoted made it clear beyond any argument that the word "impeachment" which precedes the other phrase refers specifically to the action of the Assembly in voting the impeachment, because the verdict of guilty on impeachment would carry with it removal from office.

To Tammany, which has conducted this war on Sulzer to the present critical moment, the fact that Lieutenant Governor Glynn will become Acting Governor immediately upon the voting of the impeachment is important, because the Tammany leaders are willing to admit that they would fear Sulzer's retaliatory attacks if he were backed into such a corner and still held the power of the chief executive.

Will Act with Dispatch.

It was this argument which brought Tammany leaders to the decision yesterday to put through the remaining moves in their war on Sulzer with all possible proper speed, and on this account the proposal to allow the Governor the further opportunity of an invitation from the Assembly to explain the accusations brought against him by the Frawley committee was discarded.

Article 6, Section 13, of the state constitution, entitled "Trial of Impeachments," provides that a majority of all the Assemblymen elected must vote to impeach as a preliminary to the trial of a Governor before the court of impeachment. Of the 150 members of the Assembly 104 are Democrats, of whom less than a score have stood with the Governor on the chief issue he has raised against the Tammany majority—the direct primary question.

On the presentation of the evidence disclosed by the Frawley committee it is not believed that many even of these twenty men will stand with Sulzer, and entirely apart from the partisan standpoint it is equally certain that there will be many votes against Sulzer from the minority. As only seventy-six votes are necessary in the present Assembly to find for impeachment, that part of the programme is looked upon as a foregone conclusion.

Of the fifty-one Senators two are no longer in office. Franklin Roosevelt is now Assistant Secretary of the Navy and Stephen J. Stillwell is a prisoner in Sing Sing. Thirty-one Senators are Democrats, and to all practical purposes they constitute a solid Tammany vote. As in the Assembly, it is equally certain that there will be votes against Sulzer from Senators not involved in the Democratic Sulzer-Murphy war, and, in addition, conviction under the impeachment proceedings requires a two-thirds majority of "those present."

Sympathy for Governor.

So certain are the Tammany investigators who have acted as the scouting party for the war between the Governor and the boss that Sulzer is doomed that their attitude yesterday had changed from that of the almost gleaming and relentless pursuers of the Governor to an attitude that harbored none but a tinge of sympathy.

It was as if the chase was over, its excitement a thing of the past, and nothing remained but the butcher job of killing the hunted thing. Tammany, exultant on Friday at the manner in which the Frawley committee's astonishing disclosures had put the Governor in a corner, apparently began to consider for the first time the solemn result of its work.

Levy, majority leader of the Assembly, who by reason of that position must take the initial step in the proceedings by moving in the Assembly for the impeachment, expressed it when he said that Sulzer had been his Congressman for over fifteen years; Frawley, whose committee has unearthed the evidence upon which the action will be based, put it that he had known Sulzer, "man and boy, for over twenty years."

But both declared, in the same breath, that Sulzer had brought it on himself, and that he had no one but himself to blame for his predicament. Other Tammany men hinted that the campaign fund exposures of the Frawley committee as to Sulzer's run for the Governorship could be duplicated many times over if the finances of his Congressional campaigns could be traced out—through all of which he posed always as "a poor man."

Aftermath of the Fight.

As to the aftermath of impeachment, one prominent organization man called attention yesterday to the concluding sentence of the state constitution's provision as to the trial of impeachments, which says: "Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office or honor, trust, or profit under this state; but the party impeached shall be liable to indictment and punishment according to law."

Sulzer removed from office—and that is the way in which Tammany views him now—is not, however, liable to prosecution for his campaign fund activities, as the proof that would render him, in the language of the constitution, "unfit to hold office" might not be proof that would necessarily indict and convict for violation of the law.

Senator Robert F. Wagner, leader of the Senate, and Speaker Alfred E. Smith of the Assembly were in Albany yesterday conferring over the procedure to be followed in the impending impeachment. They will meet Levy to-morrow morning in Albany, and in the afternoon will confer with Eugene Lamb Richards, counsel, and the members of the Frawley committee.

Louis Marshall, of the firm of Guggenheimer, Untermyer & Marshall, is slated as the most likely man to be selected by Governor Sulzer to head his legal advisers in the impeachment proceedings. Mr. Marshall was reported yesterday as having gone to Albany to confer with the Governor.

MRS. RAYMOND BELMONT AWAITS CALL TO STAGE

Onetime Chorus Girl Discards Pajamas for One-Piece Bathing Suit—But It's Hot in Jersey.

It was so warm in Kennsburg, N. J., yesterday that Mrs. Raymond Belmont, who is summing there, appeared in a one-piece boy's bathing suit, instead of pajamas—her cool weather raiment. And thus she was attired, plus a coat of tan, when she made the announcement that she would return to the stage again. (She was a show girl once for six nights, a couple of years ago.)

"You know, I was a prosperous chorus girl once," she continued. "I earned \$25 a week. That was before I married Raymond. I still love him. Ah, me! And I'm sure he loves me. If it wasn't for his father and his oldest brother, August, Jr., we'd have such a happy time. But, alas! we're eating our hearts away. Ah, me!"

Mrs. Raymond Belmont is so tanned, however, that it is hard to see if she is suffering from all her self-confessed plinings and heartbreaks. But she says: "I got a rotten deal from the Belmonts. However, in October I'm going to sue for alimony, and then I'll show a certain party if I'm one whose affections can be so rudely treated. And, believe me, I always knew my dear father-in-law was mean, but it was not until after my marriage that I really knew how mean he was."

Mrs. Belmont added that she never got a cent, not one red cent, from either Raymond or his father or any member of his family since she married him, and with a sigh she said:

"I'm dead broke. Yes, sir, dead broke. I'm almost starving to death. That's why I'm going on the stage. I saw Mr. Hammerstein—'Willie'—last week, and it's all fixed up."

William Hammerstein said last night that he would put Mrs. Raymond Belmont on in a singing and dancing act after her trial, which would mean October at the earliest. He said that under no circumstances would he sign her up until after her suit for alimony had been settled.

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CARLISLE TO REJECT BIDS

Alleged Irregularities Found in Highway Specifications.

Albany, Aug. 9.—Because of alleged grave irregularities connected with the specifications, Commissioner Carlisle of the State Highway Department has determined to reject all bids on thirty-one of the fifty-nine highway repair contracts opened on Monday, according to a statement to-night by the state Department of Efficiency and Economy.

Two days after the bids were opened, A. B. Chamberlin, of New York, complained to Commissioner John H. Delaney that the specifications as sent to prospective bidders were not uniform as to materials, and that by interlineation changes had been made which destroyed the competitive character of bidding through substitution of materials and changes of standards.

Mr. Chamberlin was given a hearing yesterday by Commissioner Delaney, when evidence to substantiate the charges was produced, according to the Commissioner.

PERIL LURKS IN BUILDINGS

Binghamton Disaster May Be Repeated Here, Says Report.

According to investigations made by the Heights of Buildings Commission, a disaster far worse than the recent Binghamton fire may occur at any time in Manhattan because of the hazardous fire conditions among the city's loft buildings, apartment stores and office buildings.

The commission's report declares inflammable partitions change a fireproof building into a very un-fireproof one, and that they also seriously interfere with the ready escape of the workers in case of fire. The report also states:

"Automatic sprinklers were found in only 125 shops; chemical extinguishers were found in 135 shops; 375 shops did not even contain a fire bucket. Only a small percentage of the buildings were provided with standpipes and hose. The hose provided was, as a rule, in a useless condition."

"Very few of the shops in the cloak industry were found to have more than one stairway, and that usually of wood or stone. The 1,738 shops contained 1,361 stairways. A total of 1,432 stairways were made of wood and stone—742 of the former material and 716 of the latter."

"The hallways in 63 of the loft buildings measured less than three feet in width."

"Three-fourths of the buildings had only one fire escape. In 63 buildings there were no fire escapes at all. The number of fire escapes in the 1,738 shops was 1,886."

"Experience has repeatedly proved that elevators cannot be relied upon as exits in case of fire."

ENGINE CLEANER SLAIN

Autopsy Shows Bullet Killed Man Found in Roundhouse.

An autopsy performed yesterday on the body of Harry Resnikin, the engine cleaner who was found dead in a roundhouse in the yards of the New York, New Haven & Hartford Railroad, at 123d street and the Harlem River, on Friday night, proves conclusively the man was murdered. A revolver bullet was found at the base of the brain.

When Special Officer Carlin, employed by the railroad, reported the case to the police on Friday night he said he had seen a man fire a shot at Resnikin and then make his escape through the yards. The police seemed inclined to ridicule this story, and were backed up by Dr. Slavin, of the Lincoln Hospital, who said the man had died of a fractured skull.

With the finding of the bullet, however, the police of the Alexander avenue station got busy yesterday, with the result that they discovered several witnesses, who told of a quarrel Resnikin had had with an Italian in the yards three days ago. The Italian threatened to kill Resnikin, it is said.

As a result of the activities of the police Braso Scarparilla, of No. 523 East 117th street, was arrested late last night. A revolver containing two empty shells was found, it is said, in the prisoner's home.

NOON ROBBERS ESCAPE

Two Attack Joseph Hirsh—Get Away with Part of Payroll.

Two men attacked and robbed Joseph Hirsh, son of the senior member of the firm of Charles L. Hirsh & Co., No. 655 Washington street, at noon yesterday in front of No. 62 Greenwich street, and got away with \$75. He had \$24 which the hold-up men overlooked.

Hirsh had been to a bank to draw \$700 to cover the payroll of his father's firm, and was returning to his place of business when attacked. He told the police that one of the men shoved his hat down over his eyes, while the other hit him in the mouth. Then one of them plunged his hand into Hirsh's inside coat pocket and took the roll of bills which was there. Hirsh had divided the \$700 into small rolls and placed one in each pocket. Detectives believe the thieves live in the neighborhood of the robbery.

\$5,000 BUNGALOW THEFT

Mrs. W. F. Smith, of Brooklyn, Robbed of Gems Upstate.

Catskill, N. Y., Aug. 9.—Jewels valued at \$5,000 were stolen to-day from the bungalow at Haines Falls, occupied by Mrs. William F. Smith, of Brooklyn. The robbery occurred while Mrs. Smith was at luncheon in a nearby hotel.

Footprints made by a woman's shoe on the porch of the bungalow furnish the only clue.

Some of the facts concerning a jewel mystery were given out by the police last night. Mrs. H. Courtney Burr, whose husband is a member of the firm of George H. Burr & Co., of No. 40 Wall street, when taking luncheon at the Hotel Manhattan on July 29 left in one of the rooms two valuable rings. One of the rings was set with a four carat diamond and was worth \$3,800. The other ring was worth \$200.

Five days passed before Mrs. Burr reported her loss to the police. Detective John P. Barron, of the East 51st street station, was assigned to the case. Lieutenant Crain said last night at the East 51st street station house that last Thursday Mrs. Kitching, manager of the hotel, told Barron a woman guest of the hotel had found the rings on the day they were lost, later informing the management, and that a search was then made for the owner. Mr. Kitching refused to comment on the affair last night.

TO CLOSE WITH RENO GIRLS

Prosecution Has Only Two Other Witnesses in Digs Case.

San Francisco, Aug. 9.—There was no session to-day in the trial of Maury I. Digs, the United States court taking its regular Saturday recess; and as Monday is law and motion day the case is not to be resumed until Tuesday, when Martha Warrington and Lola Norris are to be called to the stand by the prosecution.

With the two young women the government practically will close its case, the only other witnesses being Martin Benaley, of Sacramento, and Chief of Police J. D. Hillhouse of Reno, both of whom were present when the two eloping couples were arrested in the Reno bungalow.

Counsel for the defense said that both Digs and Drew Caminetti would be called as witnesses.

Spectators have jammed the courtroom at every session thus far, only a few women, however, being among the on-lookers.

FIGHTS GANG AND WINS

Policeman Uses Fists and Breaks Leader's Arm.

"Dopey Benny" Felne, also known as "Moeche, the Starker," considered by his companions as a redoubtable strong arm man, was arrested last night by Sergeant Patrick E. Sheridan, the policeman, singlehanded, fought a crowd of gangsters, and, respecting Mayor Gaynor's aversion to the nightstick, used only his fists. Nevertheless, Felne had a broken arm and other hurts when he was marched into the Delancey street police station.

Acting Police Commissioner McKay had ordered that a gang that hung around Forsyth and Grand streets be dispersed. Felne, who is twenty-eight years old and lives at No. 163 Forsyth street, had been the leader of the gang since the death of Jack Zella.

Sergeant Sheridan chased the gang from the corner at 5 o'clock yesterday afternoon, only to find them there again at 10 o'clock in the evening.

This time Felne, instead of going away, punched the policeman behind the ear and grabbed his club. Sheridan knocked him down, fought off the gang and marched his prisoner to the station, scolding to send for the patrol wagon. Some one telephoned to the station that a battle was going on. Captain Ryan sent the reserves, but they were not needed.

AFTER THAT "WAR LOBBY"

Senator Williams Urges Inquiry but Confers Are Lukewarm.

Washington, Aug. 9.—Senator Williams urged to-day that the Senate Lobby Committee should inquire into the reputed existence of an organized and syndicated movement to plunge the United States into war with Mexico. This suggestion was opposed by Senator Gallinger. No action on the request was taken.

The end of the Senate lobby committee's investigation is not in sight, according to Senator Reed, a member of the committee, who to-day had the Senate pressed for the expenses of the committee.

ARCHITECTS ISSUE CITY BOOK

The New York Society of Architects has Issued a 206-page Year Book for 1913, which contains among other things a description of the departments of New York City, a rearrangement of the building code printed on pink paper, the tenement house law and digest on yellow paper, and factory building laws as they relate to fire prevention.

LOOKS LIKE GAYNOR AS TAMMANY'S CHOICE

Tiger Slate Practically Made and Murphy Returns to Good Ground Estate.

DOWLING FOR CONTROLLER

Congressman Goulden or Assemblyman Smith May Be Named for Aldermanic Head—Bronx Complicates Fusion.

Tammany's slate has been practically settled upon for the coming election, and after Murphy went to Good Ground yesterday the underlings began to talk it over. Mayor Gaynor will be renominated, Robert E. Dowling, president of the City Investing Company, is to be designated as the organization's candidate for Controller, and either Congressman Joseph E. Goulden, of the Bronx, or Speaker Alfred E. Smith of the Assembly named for President of the Board of Aldermen, according to present indications.

Goulden's nomination is considered the more likely because Tammany has decided that something must be done to placate the Bronx, where "Gene" McGuire, "Tom" O'Neill and other former Tammany leaders are now posing as independents, with a war cry of "Keep the Tiger below the river!"

If Goulden is nominated for aldermanic president, it is expected "Al" Smith will be named for Sheriff, to succeed Julius Harburger, who is aiming at the borough presidency of Manhattan.

Tail of Fusion Ticket.

The tail end of the fusion ticket, which is scheduled to come out next Tuesday night, contemplates first, in New York County, the renomination of both William F. Schneider as County Clerk and Max S. Griffo as County Register. For Sheriff the names of John J. Hopper, Independence League; Michael H. Blake, John J. Lyons and Samuel S. Koenig, all Republicans, are under consideration. Blake and Lyons are rated as being the foremost of the Republican candidates.

Justice John R. Davies, of the Municipal Court, is spoken of for the nomination for City Court judge, James Cowdin Meyers is a candidate for General Sessions judge, as is also Isidor Wasservogel, who has been acting District Attorney during Mr. Whitman's week-end absences from the city. Frank Moss, the First Assistant District Attorney, is an active candidate for the fusion nomination to the Supreme Court bench, for which Herbert R. Limburg of the Independence League, also is working.

The Bronx fusion situation is complicated by the dictum of the leaders in that section that no slate prepared by the Hapgood committee will be considered. The anti-Tammany Democrats of the Bronx, who are strong because of Murphy's opposition to the Bronx County bill, have been fixing up a working agreement with some of the Republican and Progressive leaders for an anti-Tammany fusion in the new county, but the Citizens' Municipal Committee expects to put out a slate for Bronx consumption despite the threats from that borough.

Thomas H. Whittle for Borough President in place of Cyrus C. Miller, who is expected to decline the fusion nomination, is the first name expected from the Hapgood committee when it considers Bronx affairs. Whittle has been Commissioner of Public Works under Miller, who is credited with aspirations to be the county judge of the new county.

John Purroy Mitchell, who has been a close friend of Miller, wants him to remain on the ticket, but it is said Miller's ambitions run more toward the bench. Miller returned to the city yesterday, cutting short his vacation, but said he would have no statement to issue until about the middle of the week.

O'Neill Would Be Sheriff.

Thomas H. O'Neill, formerly the Tammany leader of the 23d North, and now active in the anti-Tammany Democracy of the Bronx, is after the Sheriff's nomination, and Henry K. Davis, a Progressive, is expected to get the Hapgood committee's designation for County Clerk.

Joseph Hennessy, a brother of John A. Hennessy, Governor Sulzer's investigator, is spoken of for Register in the Bronx. Douglas Mathewson, Deputy Controller, wants to be Surrogate, and Robert C. Ten Eyck, a son of William H. Ten Eyck, the Republican district leader, is being boomed for District Attorney.

The Miller, Davis, O'Neill and Ten Eyck nominations, which are looked for from the Hapgood committee, are agreeable to the independent fusion movement in the Bronx, but the other suggested nominations expected from the Hapgood committee are likely to be rejected by the men who are steering the Bronx fusion movement in that borough.

Justice Guy approved a certificate of incorporation of the Citizens' Municipal Committee, Inc., yesterday, on a petition which set forth that "the directors shall have power to cause or permit nominations for public office to be made by petition in the name of the corporation, and only nominations so authorized shall be placed upon the official ballot as the nominations of the corporation, or under its name or emblem."

It is provided in the petition that there shall be an annual meeting on the second Tuesday in December. There are to be thirty directors. The names of those signing the petition are: William Hapgood, editor; Joseph M. Price, William Loeb, Jr., former Collector of the Port; Charles D. Bernheimer, William R. Willcox, former chairman of the Public Service Commission, and Frederick M. Stein.

Frank Hendrick announced himself yesterday as an independent candidate for Mayor, and intimated that he would circulate petitions to get his name on the ballot.

CRAG-WALLED PRISON SITE

Tract Near Doodletown Creek Protected by Tribune.

Newburgh, N. Y., Aug. 9.—Citizens of Newburgh have started a movement to interest the State Prison Commission to purchase three thousand acres, a third under cultivation, at the rear of Bear Mountain. A naturally protected prison site, being in a valley, with mountains on four sides.

The plot is back of the river, and the Bear Mountain station and boat landing would be the one to be used for passengers and supplies. The site is in the Queensboro district, near Doodletown Creek.

SANDY HOOK GUNS ROAR

Thousands Quit Beds to Watch 'Night Target Practice.'

SHOOT AT WOODEN FLOAT.

Firing of Big Mortars Creates Weird Scene as Shells Hurtle to Sea.

Persons living along the Jersey coast north and south of Sandy Hook found it difficult to compose themselves for sleep last night. Uncle Sam was taking a little practice in marksmanship at his Sandy Hook shooting gallery, and the night air was made hideous every few minutes by the roar and screech of huge shells from the retreating noses of the mortars inside the fortifications.

It was the night practice in the firing of big guns over held in the East, and while many thousands turned out to sleep, several thousands turned out to sleep, and made a holiday of it. They lined the beach, built bonfires and made bets on the spot on which the great mortar shells would land.

The 76th Coast Artillery, in charge of Captain William C. Colvin, was the organization on duty last night, and Colonel S. A. Allen, commander of the coast defenses for Southern New York, was in supreme command of the operations.

The proceedings were started by the toughest Harvey Brown, who towed the target, a wooden float about twelve feet square, out about 7,500 yards to sea. In order to score a hit the mortar shells had to strike within a fifty-yard radius of the target, which was moving all the time, being towed up and down the coast line.

The huge searchlights added the men behind the guns by playing their beams on the target, but at best the float was a ghostly bull's eye to shoot at. Ten shots were fired, every one of which scored as to deflection—that is, the guns were getting their line of direction almost perfectly.

Just what the actual results were could not be learned last night. The officials in charge of the practice had to wait until the Harvey Brown and the float arrived before it could be made known just how straight and accurate was the aim of the sights.

The discharge of each mortar made a weird scene. After the deafening roar as the powder was touched off, there would follow a terrific screeching and moaning as the 1,000-pound projectile hurtled through space. The moaning would ascend to a crescendo as the shell reached its greatest height, a distance of two miles, and then gradually die down to a low sob as the projectile began to drop.

Thousands of tons of water rising a half hundred feet in the air five miles out at sea, would indicate where the mass of steel had struck. The firing lasted until almost 11 o'clock, and all coastwise and inbound and outbound Atlantic liners gave Sandy Hook a wide berth until the signal to cease firing.

SON OPENS GOLDEN JUBILEE

Acts as Celebrant of Mass for Parents Wed Fifty Years.

With their son, Father Vincent, C. B. S. of St. Mary's Abbey, as celebrant at a solemn high mass at St. Mary's Roman Catholic Church, High and William streets, Newark, Mr. and Mrs. Godfrey Amberg, of No. 146 West street, Newark, began their golden jubilee yesterday. They were married in the same church in 1861.

Father Vincent was assisted by Father Polycarp as deacon, Father William as sub-deacon and Father Bernard as master of ceremonies. All the priests of the abbey, including the Right Rev. Abbott Ernest Helmsletter, were seated in the sanctuary.

After mass breakfast was served in the rectory. Later in the day the couple entertained their friends at their home and received many congratulations. Besides Father Vincent Mr. and Mrs. Amberg have three children.

DROWNED GOING TO DANCE

Five Women and One Man Lose Lives When Boat Sinks.

East Freetown, Mass., Aug. 9.—Five women and one man were drowned and four other persons were saved, when a motor boat sank in Long Pond to-night. The party were bound for a dance at Lakeside Park.

LEAGUE INSISTS ON WHITMAN

Independent Body Determined to Name Him for Mayor.

William E. Stambaugh, chairman of the Whitman Independent League, of No. 20 Lenox avenue, announced yesterday that, despite statements to the contrary, the organization represented by him would not support the fusion ticket, but would bend every effort between now and primary day to gain enough pledges to assure District Attorney Whitman the nomination for Mayor on the Progressive ticket.

Letters were being prepared, he said, which will be mailed to every enrolled Progressive in the five counties. A personal canvass will then be made to insure Mr. Whitman a majority of all the Progressive votes cast at the primary.

DR. JONES'S WOUND FATAL

Succumbs After Operation—Accident, Family Still Insists.

Dr. Oliver Livingston Jones, sixty-three years old, father of "General" Rosalie Jones, the suffragist leader, who was taken to Polytechnic Hospital on Friday suffering from a bullet wound which the police say was self-inflicted, died early yesterday after an operation. According to the police, Dr. Jones shot himself in the head while at his home, No. 116 West 72d street.

Members of his family, however, continued to assert yesterday that the shooting was an accident, which occurred while Dr. Jones was cleaning a revolver.

"Dr. William Sharpe, of No. 20 West 50th street, who performed the operation," it was said, "informed us that the course the bullet took showed that his wound must have been accidental."

It was said at the Jones home last night that the funeral would be in Cold Springs Harbor, Long Island, to-morrow morning.

CHARLTON TO GO IN STEERAGE

Porter Charlton, accused of killing his wife, will be taken to Italy Thursday on the steamer Re d'Italia, the Lloyd Sabaudo line, which arrived Friday with two officers of the Italian military police. Charlton and the officers will travel as steerage passengers. Charlton's father will probably accompany him.

VISIT CHATTANOOGA, TENN. LOOKOUT MOUNTAIN CHICKAMAUGA NATIONAL PARK

\$24.45 for Round Trip from New York. \$13.15 for Round Trip from Washington. LOW RATES FROM OTHER POINTS. Tickets on Sale Sept. 11th-15th. Occasion.

G. A. R. ENCAMPMENT

SEPT. 15th-20th, 1913. VIA

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N. B.—Southern Railway System embraces territory offering unusually attractive and remunerative places for investment in agriculture, fruit culture, farming and manufacturing.

"HUMPY" TAKES THE TRAIL

Says He's Going to Find Man Who Shot William Lustig.

Thomas Jackson, known as "Humpy" proprietor of the Gem Restaurant, at No. 94 Third avenue, in front of which William Lustig was shot and dangerously wounded on Monday night, appeared at Bellevue yesterday with ten of his followers to inquire regarding Lustig's condition.

Jackson was told Lustig was improving and that surgeons would remove to-day the three bullets which lodged in the man's body, one in the back, near the spine, and two in the shoulder.

Jackson, who has served several prison sentences following convictions in connection with burglary, made it plain he intended to find the man responsible for the shooting of Lustig.

"I am going to do a little investigating myself," he said, "and I'm going to find the man who did the shooting. It has ruined my business. Maybe that was the reason they pulled off the shooting in front of my place."

"If you find the man who did the shooting, what will happen?" Jackson was asked.

"Leave that to me," was the evasive reply.

NEW TUBERCULOSIS SERUM

Has Separated the Immunizing Property of Germ, Says Doctor.

[By Telegraph to The Tribune.] Boston, Aug. 9.—Dr. Newell S. Burns, assistant superintendent of the State Sanatorium for Tuberculosis Patients, has discovered an anti-tuberculosis serum which he hopes will prove efficacious.

Describing his experiments, Dr. Burns says that hitherto doctors have been unable to separate the immunizing property of the tuberculosis germ from the toxic property as in the case of the diphtheria germ. He contends he has succeeded in separating the immunizing property and by passing it through a guinea pig has been able to obtain a serum which injected into the human system should enable a tuberculosis patient to combat the poison effects of the disease.

Rabbits and guinea pigs used by Dr. Burns when given the immunity serum and then inoculated with tubercular toxin have shown no further traces of tuberculosis after the first ill effects.

TOBACCO STORE ROBBED.

William Leiser, manager of the Coney Island branch of the Metropolitan Tobacco Company, at No. 1521 Mermaid avenue, opened his office yesterday morning to find that the safe, which the night before contained some thousand odd dollars, had been broken into. The police found that the burglars had broken the iron bars from one of the office windows.

FOR NEW LEGATION BUILDING.

Buenos Ayres, Aug. 9.—An appropriation of \$10,000 requested by the Argentine government for the purchase of a building at Washington for the Argentine Legation to the United States was approved to-day by the Senate committee.

J.M. Gidding & Co.

564-66-68 FIFTH AVENUE 46TH & 47TH STS.

Final Close-out Sales

Still further reductions on remaining assortments of fashionable apparel; involving exclusive styles which assure satisfactory service for early Autumn.

\$45 to \$95 Cloth Suits—\$18 & \$28 Late models, new shades, desirable weaves.

\$95 to \$195 Silk Suits—\$35 & \$58 Plain, moire, matelasse and corded silks.

Model Suits and adapted styles in Handsome Tailored Costumes by Poiret, Premet, Doucet, Paquin and Callot. Formerly \$200 to \$275—\$65 & \$75

Afternoon Dresses

Formerly \$55 to \$135 \$30 & \$40 Authentic styles in striped and Dresden chiffons, Pompadour crepes, charmeuse, crepe de chine and radium silk.

Linen Dresses, \$18

Formerly \$35 to \$55 Smart tailored and novelty styles, including hand-embroidered and combination effects.

Silk & Chiffon Wraps

Formerly \$45 to \$95 \$20 & \$25

POLICE TO DEFY COURT FOR GAYNOR'S CURFEW

Detectives Say They Will Not Permit Sale of Food After Closing Hour.

RIGHT OF ENTRY DEFENDED

Lawyer for Healy's Says Men Who Ejected Patrons of Restaurant May Be Liable to Arrest.

The decision of Justice Zeller, of the Court of Special Sessions, with which Justices Russell and Herrman concurred, deciding that restaurants having liquor licenses might sell food to patrons during the hours in which the sale of liquor was proscribed, provided the bars were closed, will be ignored by the police, it was announced yesterday at the office of Acting Police Commissioner McKay.

Detectives at the West 68th street station said that if Healy's restaurant tried to keep open after closing hours again they would not act as they did early yesterday morning and order out the diners, but would make arrests.

"The Mayor is our boss, and not the Court of Special Sessions," said one of the detectives. "The Mayor says no restaurants where liquor is sold shall remain open after 1 o'clock in the morning, and that goes. And if we go to Healy's again we won't wait until 2 o'clock, as we did this morning, but we'll close him up tight sharp at 1 o'clock, and the next time there'll be some arrests."

When the police entered Healy's, at 68th street and Columbus avenue, yesterday morning, they were met with protests from the manager, Patrick Kyne, who reminded them that only twelve hours before the justices of Special Sessions had unanimously decided against similar action on the part of the police, and had dismissed a case against Healy's. This decision was the result of a test case brought by the police against Thomas Healy, the owner of the place, for serving food after hours.

The police retorted that the decision made no difference to them, and they proceeded to order the dozen or so diners out of the place, saying they would use force if necessary.

In defending this action it was said at Acting Commissioner McKay's office yesterday that the police had a right to enter any place where liquor was sold at any time and eject patrons at their own discretion.

"The police have complete right to enter such places and enforce the law as they understand it," it was said at Mr. McKay's office, "and they'll go on doing it. We shall not appeal from the findings of the Court of Special Sessions, but shall probably defend any adverse action brought under that ruling."

Mr. Edward Kelly, counsel for Thomas Healy, characterized the latest action of the police against his client as an anarchistic and unjustifiable act of official oppression.

"Mayor Gaynor," he continued, "is fond of prating about law and order. He said this was a government of laws, and not of men. If he is sincere as well as consistent in his declaration, why does he permit his police to enter a restaurant and attempt to close it in defiance of the rulings of three justices of the Court of Special Sessions?"

Mr. Kelly said that if the police had violated Section 854 of the Penal Code in closing up Healy's, every policeman who took part in the proceedings made himself liable to arrest.

Who Ejected Patrons of Restaurant May Be Liable to Arrest.

The decision of Justice Zeller, of the Court of Special Sessions, with which Justices Russell and Herrman concurred, deciding that restaurants having liquor licenses might sell food to patrons during the hours in which the sale of liquor was proscribed, provided the bars were closed, will be ignored by the police, it was announced yesterday at the office of Acting Police Commissioner McKay.

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